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C O N F I D E N T I A L SECTION 01 OF 09 THE HAGUE 000249

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STATE FOR ISN/CB, VCI/CCA, L/NPV, IO/MPR,
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TAGS: PARM PREL CWC

SUBJECT: CHEMICAL WEAPONS CONVENTION (CWC): WRAP UP FOR
OPCW EXECUTIVE COUNCIL SESSION, MARCH 4-7, 2008 (EC-52)

REF: A. STATE 21246 (GUIDANCE FOR EC-52)

1B. STATE 17328 (U.S. OBJECTIVES AND REDLINES)

Classified By: Deputy Permanent Representative Janet E. Biek for reason
s 1.5 (B) and (D).

(U) This is CWC-11-08

SUMMARY

11. (SBU) Executive Council 52 (EC-52) followed the unfortunate recent pattern of deferring a large proportion of its substantive business to the next session)- not only the facility and verification documents, but also some routine reports from the Technical Secretariat (TS) and Director General (DG). The U.S. Delegation (Del) made no progress in a bilateral meeting with the Russian delegation on language that would allow us to approve their agreements for Marakykovsky and the new documents for Leonidovka. Consultations with close allies and the TS showed little support for further delays on the Russian documents.

12. (U) On its final day, the Council agreed on a provisional agenda for the Review Conference (RevCon) based on a compromise proposal from the Cuban delegation. While the agenda does not have a specific item on terrorism, there is now EC report language clarifying the "pledge" among States Parties (SPs) that any issue of relevance to the Convention could be discussed during the RevCon without requiring a separate agenda item, using anti-terrorist contributions as an example.

13. (U) The other highly controversial issue for this EC was the report, deferred from the last Council session, on the EC delegation's visit to the Anniston destruction facility in October. In a special informal meeting, chaired by the Irish Ambassador, the members of the visiting delegation met with interested parties to discuss the report. Iran and South Africa expressed concerns with the process during the meeting, and then negotiated at length to try to get language

unacceptable to the U.S. and others into the Council's report. A compromise on the report language was only reached late Friday afternoon.

¶4. (U) This cable will summarize the informal meetings on the budget and destruction updates on March 3; the donors meeting on assistance to Russia; meetings on the margins of the EC with the Russian delegation, the TS, and the Libyan delegation; and finally the formal Executive Council meetings.

BUDGET INFORMAL

¶5. (U) On March 3, Ron Nelson (Director, Administration) and Labib Sahab (Head, Budget) unveiled the updated budget format that they plan to use for the 2009 draft budget and solicited feedback from delegations. The new format was presented as part of the Secretariat's efforts toward adopting results based budgeting (RBB) and was developed based on input received in 2007 from the Advisory Body on Administrative and Financial Matters (ABAF) and bilaterally from delegations (including the U.S.). Del has forwarded samples to ISN/CB and IO/MPR. The TS plans follow-up consultations on March 13 for comments from delegations before preparing the draft 2009 program and budget (to be released in June).

DONORS MEETING

¶6. (U) Dutch MFA rep Frank van Beuningen chaired the semi-annual Donors Coordination meeting on March 3 to discuss CW destruction assistance efforts in the Russian Federation.

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The usual tour-de-table of assistance efforts was complemented by more detailed statements from the U.S., the UK, and Russia. Dr. Hopkins, Principal Deputy Assistant to the Secretary of Defense for Nuclear, Chemical and Biological Defense Programs, gave a presentation on U.S. efforts through the Cooperative Threat Reduction program, to include an update on the implementation of the recent change in procedures for signing and overseeing Russian contracts.

¶7. (U) The Russian delegation noted at the beginning of the meeting that their senior experts had not been able to come to The Hague and that they would not be able to answer questions. Their statement was somewhat less confrontational than at past meetings, although references to the role of donors in Russia's progress toward its deadlines prompted interventions by the Chair and the German delegation, reminding Russia of its obligations under the CWC. Of note, neither Russia nor the UK mentioned the UK's decision to pull out of a project to fund a future destruction facility at Khizner.

¶8. (U) The next meeting is scheduled for Monday, 13 October 2008, and a revision of the minutes from the meeting of 24 September 2007 needs to be published. In a private conversation following the meeting, Van Beuningen noted to U.S. reps that the current format of the meeting may need to be reconsidered as many assistance efforts draw to a close over the next year.

DESTRUCTION INFORMALS

¶9. (U) During the destruction informals, the TS presented the progress of CW destruction and verification activities as of 28 February, highlighting the U.S. destruction of 51.8 percent of its Category 1 stockpile and Russia's destruction of 25.5 percent, as of 28 February. For 2008, the TS has planned 200 routine inspections, 31 of which have been completed, and eight to ten sampling and analysis missions.

¶10. (U) Dr. Hopkins, Principal Deputy Assistant to the Secretary of Defense for Nuclear, Chemical and Biological

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Defense Programs, presented the U.S. report, noting that the differences in figures from the TS report were due to different dates for the information (1 February vs. 28 February). The only question came from the Russian delegation on what "as soon as feasible" meant for the completion of the U.S. destruction.

¶11. (U) Russia reported that it had destroyed 25.6 percent of its stockpile as of 26 February 2008. Of note, the Russian delegation welcomed an EC delegation visit to Shchuch'ye probably in September 2008. Russia anticipates that the Shchuch'ye destruction facility will commence live agent testing by the end of 2008, as will Leonidovka by June 2008. The Russian rep reiterated the importance of bringing these new facilities on line in order to meet Russia's 45 percent deadline of December 31, 2009.

¶12. (U) A State Party reported destruction of 96 percent of its stockpile, and stated that it will meet its 31 December 2008 deadline. India noted that 97 percent of its stockpile was destroyed and that India is on course to complete destruction by the extended deadline of April 2009.

¶13. (U) Libya provided an update to the same slide show on the Rabta conversion presented at EC-51. The speaker stated that site preparation for the Rabta destruction facility began in December 2007 and that the detailed site designs would be presented to the TS for approval within the week.

¶14. (U) China and Japan briefed separately on their efforts to recover and destroy abandoned chemical weapons (ACW). In 2007, Japan conducted 16 recovery missions, excavating 7380 munitions. Both SPs reported on the decision to use

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detonation and incineration for destruction at the Haerbaling facility. Starting in 2009, mobile destruction facilities are planned for use in Nanjing and other locations.

MEETINGS ON RUSSIAN CW DESTRUCTION

¶15. (SBU) Del reps met with the Russian delegation to discuss whether progress had been made in addressing U.S. concerns about Russia's Maradykovsky documents. Konstantin Gavrilov (Alternate Permanent Representative in The Hague) was acting head of delegation in the absence of Elena Rodyushkina, the senior Rosprom representative who normally heads the Moscow delegation. It was clear that Russia had done nothing to meet the U.S. and others halfway in offering assurances that Russia was committed to second-stage destruction under TS verification and fully funded by Russia. U.S. Del suggested that Russia consider making the Maradykovsky documents a precedent for future two-stage facilities, in order to enshrine the concept of TS verification of the second stage, an idea the Russian delegation committed to send back to Moscow.

¶16. (SBU) Together with the UK, France, and Germany, U.S. Del reps also met with the Secretariat to discuss the provisions of the Leonidovka documents, both on their own merits and as compared to the Maradykovsky documents. Horst Reeps (Director, Verification), Santiago Onate (Legal Advisor), and Branch Heads Per Runn and Dominique Anelli all firmly defended the verification provisions at Leonidovka and responded to various technical questions, primarily from the UK. U.S. Del clarified U.S. accounting procedures, and noted the need for modifications to the Maradykovsky documents to reflect a change in measures taken to mutilate the munitions.

¶17. (SBU) Following the meeting, UK reps noted privately that they were quite comfortable with the documents for Leonidovka, but would not stand in the way of U.S. efforts to force a stronger commitment from the Russians on second stage destruction and verification. UK MOD Rep James Harrison noted, however, that the UK view was that approved verification plans and facility agreements would provide more legal assurance of the terms than the drafts under which Russia is currently operating. The French delegation made a similar comment about the questionable value of continued deferral. Although there was general agreement among close allies that forcing the matter to an open debate was best postponed until after the RevCon, there seems to be a growing sentiment that the Russian documents currently on the agenda do offer adequate assurance of second stage verification and should be agreed.

LIBYA BILAT

¶18. (C) Del reps met with the Libyan delegation, headed by Dr. Ahmed Hesnawy, to discuss the status of conversion of the former CW production facility at Rabta, and CW destruction projects. Both Dr. Hesnawy and Dr. Fathi Asseid, General Director of the General Manufacturing of Pharmaceuticals and Medical Supplies Company, responded to questions regarding the status of conversion efforts. The Libyan delegation explained that Libya had decided to focus on completion of the pharmaceuticals formulation and packaging facility in order to expedite the approval process for the overall pharmaceutical production facility. Tests are currently being conducted in the completed formulation and packaging plant.

¶19. (C) The Libyan Government has partnered with a Libyan contractor on the conversion, with 85 percent of the existing equipment fully operational, and Libya seems confident of meeting the December 2009 date set out in its national paper

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from September 2007. Little acknowledgement was given to the fact that December 2009 is seventeen months after the date approved when Libya joined the Convention.

¶20. (C) On CW destruction, Dr. Hesnawy sidestepped direct questions about the status of the contract with an Italian engineering firm, noting that work was proceeding under an arrangement whereby payments were made upon acceptable completion of discrete tasks and that "a letter had been signed." Hesnawy also stated that Libya intends to use the destruction facility to destroy chemical wastes after CW destruction had been completed. In order to be suitable for the eventual destruction of chemical waste with high concentrations of polychlorinated biphenyls, the facility is being designed with the capability to vary the operation of the pollution abatement system and to operate the incinerator under more rigorous conditions than those required for CW destruction. Dr. Hesnawy was optimistic that Category 1 CW destruction would be completed ahead of the December 31, 2010 deadline and planned to meet with the TS on the margins of the EC to discuss revisions to the detailed facility information.

MEETINGS WITH THE TECHNICAL SECRETARIAT ON U.S. DESTRUCTION

¶21. (U) Del reps met with Verification staff to discuss various technical issues at U.S. facilities. Of note was a detailed discussion of the plans for verification of emergency GB ton container destruction at Blue Grass, which is being declared as a non-contiguous part of the Newport destruction facility.

EXECUTIVE COUNCIL 52

Opening Session and General Debate

¶22. (U) Following agreement to invite Iraq as an observer, the March 4 opening of the 52nd meeting of the Executive Council heard reports from the Vice Chairmen on consultations and facilitations during the intersessional period.

Following adoption of the EC agenda, the Director-General made his report. Statements followed from Slovenia (an observer state) for the EU and associated states, Cuba for the NAM and China, South Africa for the African Group, Japan, Pakistan, China, Russia, Algeria, Mexico, Korea, and in the afternoon session, the U.S., Serbia, India, and Libya. There were no surprises in the statements, but delegations took advantage of the opportunity to set the stage for the Review Conference, outlining priorities including terrorism, an action plan for Article XI, and greater implementation of Article VII.

¶23. (U) Director General's Statement: The DG provided a more condensed update than in past sessions on the broad spectrum of issues before the OPCW. On industry inspections, he reported that the TS was working on a comprehensive proposal aimed at encouraging States Parties to increase the information provided on their OCPF declarations, with a view to enhancing the probabilities of selecting sites of high relevance. He noted that the Secretariat is developing software to enable electronic declarations via the Verification Information System (VIS), which will be available to National Authorities in the second half of 2008.

The TS will be assessing the results of the sampling and analysis conducted at Schedule 2 facilities from the first 12 plant sites and reporting "in due course." The DG also reported on a number of activities the TS has engaged in relating to implementation of Articles X and XI, and that the TS is moving forward with its work on the Program to

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Strengthen Cooperation with Africa. He cited further progress on Article VII implementation: the Central African Republic has established a National Authority, and the Cook

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Islands, Qatar, and Turkey have adopted comprehensive measures to implement the Convention. The Republic of the Congo has become the 183rd State Party, and the DG spoke to steps to bring others on board.

¶24. (U) On Administrative and financial matters, the DG noted that 98.2 percent of assessed contributions were received during 2007, but added that major assessments payments made late in the year, as in 2007, continue to impede the Secretariat's ability to plan and conduct programs

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efficiently (a diplomatic but direct reference to the U.S. payment in late December). The DG stated that the TS was drafting a zero nominal growth (ZNG) budget again for 2009, citing the significant surplus (2.2 million euro) in 2007 resulting from late payment of arrears as a key factor. He noted that the 2009 Budget would provide for a second meeting of the Scientific Advisory Board, which the U.S. had lobbied for in 2008. He concluded by expressing hope that the upcoming Second Review Conference will be a success, providing strategic guidance to the policy making organs, as well as to the Secretariat.

¶25. (U) EU Statement: Ambassador Tea Petrin (Slovenia), speaking on behalf of the EU and associated SPs, appealed for fulfillment of destruction obligations within the timelines. The EU welcomed the report of the Anniston visit, and looks forward to a Russian invitation to visit this year.

Regarding the Maradykovsky chemical weapons destruction

facility agreement and detailed plan for verification, the EU hoped approval could be reached on the documents and recalled the DG's statement (EC-49) confirming that that destruction will take place under on-site verification in both phases, as required in Article IV of the Convention, which should be the guiding principle for Leonidovka as well. The EU sought clarity on Libya's chemical weapons destruction plans, and urged Libya to move forward quickly on Rabta conversion.

While timely destruction of all chemical weapons continues to be of utmost importance, Petrin stated, this must be accompanied by the prevention of new stockpiles being created in the future. The EU appealed for assessed contributions to be paid in full and on time, including reimbursement of the cost of articles IV and V verification.

¶26. (U) NAM Statement: Ambassador Oscar de los Reyes Ramos (Cuba) spoke on behalf of the NAM and China, expressing concern about the general pace of destruction. Reiterating the importance of the CSP-12 decision on Article XI, the NAM statement stressed the call for an Action Plan for the full implementation of Article XI. The NAM also reaffirmed the importance of the CSP-12 decision under Article X aimed at developing measures for emergency assistance to States Parties, including the victims of chemical weapons, and pointed to the role that Article X can play in addressing the CWC contribution to global antiterrorism efforts. The NAM considers it vital that the Open-Ended Working Group (OWEG) for the RevCon operates in an open, transparent, and inclusive manner, and work by consensus. The statement called for early commencement of negotiations on the Chairman's composite text to reflect the different substantive views and for intensified efforts to reach consensus on the provisional RevCon agenda.

¶27. (U) Other speakers addressed many of the EU and NAM themes. Many spoke to the importance of CW destruction within the established deadlines, with Pakistan opining that destruction efforts should be the primary focus of the upcoming RevCon. Libya revisited its December 19, 2003 decision to end its CW program (reporting that all CW production had ceased in 1991) and its commitment to meet all of its obligations under the CWC, including destruction of its CW stockpile, and stated that they remain on schedule for CW destruction as defined in their September 2007 national paper. While Japan and the U.S. supported the DG's call for planning for a progressive shift in the OPCW focus from destruction to nonproliferation efforts, Pakistan averred that the best way to promote nonproliferation was through

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disarmament.

¶28. (U) Several speakers stressed the importance of developing national legislation and implementation measures, with Russia expressing serious concerns about the number of States Parties that had yet to promulgate implementing legislation. Mexico, South Africa, Pakistan, and India reiterated the NAM statement's call for an Action Plan on Article XI. Pakistan called for removal of undue restrictions among States Parties on exchange of technology, materials, and equipment for peaceful purposes. A number of delegations, including Serbia, cited the importance of support to States Parties on protection and assistance under Article X, with Pakistan, Algeria, and Korea, among others, pointing to the link between Article X and the ability to address emerging terrorist threats. Japan called for effective implementation of the OCPF site selection methodology, while India pointed to the hierarchy of risk in implementing OCPF inspections.

¶29. (U) Many delegations previewed the upcoming RevCon, as the U.S. did. The NAM statement and several of its member states pressed for an open, transparent, and inclusive process, implying that work to date has not been so. All called for resolution of the provisional agenda as soon as possible, with most professing flexibility. While China

argued for the principle of balance of the "four pillars" of the convention, Mexico asserted that not all issues are equal -- disarmament/destruction and measures to enhance economic and technological development are of primary importance. Several states, including Algeria, South Africa, Korea, Japan, and the U.S. stressed the importance of addressing global terrorism.

Verification Plans and Facility Agreements

¶30. (U) Upon receiving information from the U.S. regarding the need for additional amendments to the agreed detailed plan for verification at the Newport Chemical Agent Disposal Facility and the related facility agreement (agenda items 5.1 and 5.17), the Chair deferred consideration of both documents to the next regular Session of the Executive Council (EC-53).

These additional amendments will reflect Blue Grass as a noncontiguous part of the Newport CWDF prior to emergency destruction operations at Blue Grass.

¶31. (SBU) The U.S. deferred discussion to later in the session for the Maradykovsky verification plan and facility agreement. After U.S. reps pointed out to the TS that the change in measures the Russians have taken to mutilate the drained munition bodies should be reflected in the documents, the TS discussed it with the Russian delegation. On March 6, when the EC returned to these agenda items (5.2 and 5.19), the Chairman deferred both documents to EC-53.

¶32. (SBU) Despite a U.S. formal intervention that the Pine Bluff Binary Destruction Facility had completed both first- and second-stage operations, Russia requested deferral of both the verification plan and facility agreement (agenda items 5.3 and 5.20) to EC-53. The U.S. did not/not request that the documents be removed from the agenda due to a request from the German, UK, and French delegations.

¶33. (U) The U.S. requested deferral of the Leonidovka verification plan and facility agreement (agenda items 5.4 and 5.21) to EC-53.

¶34. (U) The Council approved the Schedule 2 facility arrangement with the UK regarding on-site inspections at the Ellesmere Port Incineration Plant (agenda item 5.16).

¶35. (U) However, Iran requested deferral to the next session of two single small-scale facility agreements with Canada and Sweden (agenda items 5.22-5.25). Having had no prior warning

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from Iran, neither the Canadian nor Swedish delegation knew why their documents were deferred.

90-day Destruction Progress Reports

¶36. (SBU) On March 4, Iran deferred both the Libyan and the U.S. progress reports until later in the session. The Council duly noted the progress reports of the other states that have been granted deadline extensions for the destruction of their Category 1 chemical weapons: A State Party, India, and Russia. Iran told the Libyan delegation privately that the delay was in retaliation for Libyan support of the March 3 UN Security Council resolution on Iranian sanctions.

¶37. (U) Later in the week, when the Council again considered the Libyan and U.S. reports, Iran, true to form, made vague references to the format and content without any actual objections, and finally agreed to note the documents on the condition that the EC report contain familiar chapeau language on the obligations of possessor states.

¶138. (U) The Council also noted national papers by China and Japan on the status of ACW in China (agenda item 5.13).

Report on the Anniston Visit

¶139. (U) The previous Executive Council (EC-51) deferred discussion of the EC delegation's October 2007 visit to the Anniston Chemical Agent Disposal Facility due to receiving the report mid-session. This agenda item (5.11) generated some of the liveliest debate in recent EC history, prompted by an Iranian request to defer consideration yet again to EC-53. As this was not unexpected, the members of the visiting delegation countered by insisting the report be considered during this session, particularly since several members of the visiting delegation would be leaving the Council before the June EC. Iran was supported by the South African delegation, which had voiced doubts about the value of the visits during the negotiation of the CSP decision in 2006, and the Indian delegation from a more procedural standpoint.

¶140. (SBU) Amb. Ryan (Ireland), Vice Chair for the CW Cluster of issues, chaired an informal meeting on March 6, at which it became apparent that despite a clear desire to highlight U.S. destruction delays, Iran had reasonable concerns regarding the process of the report introduction and Council consideration and the clarity of content. South Africa supported Iran throughout the negotiations, as did China for full discussion of the report. In the end, the Iranian and South African concerns focused on the appropriate report language to describe the EC's consideration. Small group negotiation of report language was further complicated by Russian interventions clearly designed to discredit the EC visit mechanism. Despite many past statements about the value of such visits, European colleagues seemed largely unwilling to counter this tactic, and appropriate report language was eventually agreed primarily through U.S. and UK efforts.

Articles X and XI

¶141. (U) The Chairman removed the status report on Article X from the agenda at the request of the facilitator, Jitka Brodska (Czech Republic). Brodska has now scheduled consultations on the report for March 28.

¶142. (U) The facilitator for Article XI, Li Hong (China) requested that the Director General's report on Article XI be

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deferred to the next regular session, despite an initial round of consultations on the report before the EC.

OPCW Central Analytical Database (OCAD)

¶143. (SBU) The Council was asked to consider and approve a Note containing newly validated data (agenda item 6); this item was deferred surprisingly by Russia to EC-53, although Iran had initially delayed discussion to later in the current session. Also of note, India reiterated its request from EC-44 that the TS issue a note addressing the rationale behind including unscheduled chemical data in the OCAD and the implications to States Parties' activities, and Finland delivered a strong intervention (and later circulated a national paper) on the importance of the inclusion of limited unscheduled chemical data in the OCAD.

OPCW Office in Africa

¶44. (SBU) Led by South Africa, the African Group introduced report language to highlight the DG's Program to Strengthen Cooperation with Africa, introduced at EC-50, and to move away from the focus on establishing a bricks-and-mortar office in Africa. The final report language incorporated U.S. Del input on donor involvement, budget implications and the need for regular reporting from the TS on progress and activities.

Report of the Scientific Advisory Board

¶45. (U) China requested deferral to EC-53 of both the report of the Eleventh Session of the Scientific Advisory Board (SAB) and the DG's note about the report, citing the SAB view that "for technical reasons, undertaking a review of destruction technologies for OACWs would be inappropriate at this stage."

Review Conference

¶46. (U) Amb. Lyn Parker (UK), Chair of the RevCon Open-Ended Working Group (OEWG), presented a report on the OEWG's activities. His report (agenda item 12) and the convening of a special session of the Conference of States Parties to amend the rules of procedure to allow regional rotation of the RevCon chair (agenda item 13) were gavelled through without discussion. (Del note: UK del had expected criticism from NAM delegations on OEWG process and was surprised that they did not speak.)

¶47. (SBU) The RevCon provisional agenda (agenda item 14) continued to be by far the most contentious, despite weeks of previous meetings in the OEWG and other informal groups. Amb. Werner Burkart (Germany) agreed to chair "informal informal" discussions on the margins of the EC, picking up from Amb. Javits' efforts preceding the EC. Amb. Oscar de los Reyes Ramos (Cuba) played a constructive role, first trying to bring the NAM delegations to consensus, and when he could not, introducing a compromise in his national capacity. That compromise included dropping the NAM reference to "general and complete disarmament" that the U.S. has consistently opposed, along with a formulation of the "pledge" introduced by Amb. Javits that the agenda would not preclude the right of States Parties to raise relevant issues at the RevCon, including terrorism. Amb. Ramos introduced the compromise text on Thursday afternoon, March 5, in the "informal informal" in time for consultations with capitals. The OEWG met on Friday and reached final agreement on the agenda based on this compromise text.

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Administrative and Financial Matters

¶48. (U) Due to not having held any consultations on the issue, the facilitator (Takayuki Kitagawa, Japan) requested deferral to EC-53 of the TS's Note on the status of implementation in 2007 of the recommendations of the External Auditor (agenda item 7). All other administrative and financial matters were quickly noted or approved with little or no discussion, including the DG's pay increase (agenda item 9.3) and the appointment of Jonathan Wolstenhome (UK) to the ABAF (agenda item 16).

¶49. (U) All of the regional group nominations for new EC Chair and Vice-Chairs were quickly elected; Slovakia will take over the Chair in May for Eastern Europe, with Algeria, Costa Rica, Germany, and Iran as Vice-Chairs.

¶50. (U) The UK made a brief intervention on the DG's report on income and expenditure (agenda item 9.1), reminding all States Parties of their obligation to have fully paid their current year assessed contributions by January 2008.

¶51. (U) While joining consensus on concluding the agreements on privileges and immunities with El Salvador and Serbia (agenda item 11), the Del made an intervention based on guidance (Ref A).

¶52. (U) Beik sends.

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